

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN**

STEVEN AVERY,

Plaintiff,

v.

Case No. 12-CV-71

**CALUMET COUNTY, KENNETH KRATZ,
PEGGY LAUTENSCHLAGER, R. NICK STAHLKE,
KIM J. SKORLINSKI, THOMAS FASSBENDER,
MARK WIEGERT, WENDY BALDWIN,
GERALD A. PAGEL, BARBARA VAN AKKEREN,
DONALD A. POPPY, and SHERRY CULHANE,**

Defendants.

ORDER

On June 7, 2012, plaintiff filed a request for entry of default as to defendants Lautenschlager, Stahlke, Culhane, Skorlinski, Fassbender, and Poppy. However, these defendants filed a timely motion to dismiss on the grounds of Eleventh Amendment immunity, judicial immunity, good faith or qualified immunity, and failure to state a claim upon which relief may be granted. See Fed. R. Civ. P. 12(b) (motion to dismiss for failure to state a claim must be filed before a responsive pleading). Accordingly, plaintiff is not entitled to entry of default. Plaintiff shall respond to defendants' motion to dismiss by July 11, 2012.

IT IS THEREFORE ORDERED that plaintiff's request for entry of default is denied and that he shall file a response to defendants' motion to dismiss by July 11, 2012.

Dated at Milwaukee, Wisconsin, this 20th day of June, 2012.

s/ Lynn Adelman

LYNN ADELMAN
District Judge